

Judge hears auto shop lift dispute: CPM Client Hudson Automotive, San Mateo city officials in court

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The owners of a long-standing auto repair shop who allege San Mateo officials singled them out for code enforcement violations while looking the other way for similar businesses, received some reprieve in county superior court Monday.

Hudson Automotive owners Sean and Jill Hudson claim the city violated their civil rights when it sued them in September for operating unpermitted lifts — a cause of contention among city officials and numerous auto repair shops located a few blocks away on South Claremont Street.

At the heart of the Hudsons' cross-complaint is that Sean Hudson vocally criticized the city for its inconsistent code enforcement policies — a move he claims prompted city officials to single his business at 186 South Blvd. out while others nearby were overlooked with promises of a moratorium on prosecution.

San Mateo County Superior Court Judge Joseph Scott denied the city's request Monday to squash the Hudsons' cross-complaint; instead, saying the business owners have cause to sue as well.

"Hudson Automotive was singled out from each of the other automotive repair shops for selective prosecution," said Phil Gregory, an attorney representing the Hudsons with the firm Cotchett, Pitre & McCarthy. "The reason this case is extremely important is that governmental bodies can't be retaliating against citizens for speaking up about unfair treatment."

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The city on the other hand, claims Hudson Automotive had a variety of other code enforcement issues like an unpermitted shed and a lack of parking spaces that sparked public complaints years earlier.

“If we have laws and people are complaining about violations of those laws and we investigate and determine that violations are occurring, I think the expectation of the public is that we’ll enforce those laws,” City Attorney Shawn Mason said.

The lawsuit isn’t over and a case management conference will be held between the parties next month with Scott overseeing the proceeding, Gregory said.

The issue concerning unpermitted lifts, many of which have been in place at various auto repair shops near downtown for decades without raising any flags, started in 2012. The city began to crack down on South Claremont Street automotive repair shops for operating the lifts, which drew numerous business owners including Sean Hudson to meet with city officials.

“The city trying to crack down on lifts means it cracks down on the ability for these small auto repair shops to generate revenue. And these lifts have been there for decades,” Gregory said.

After the meeting, then city manager Susan Loftus sent an October 2012 letter saying the city would put a moratorium on enforcement until a more comprehensive approach could be found to deal with a variety of nuisances ranging from graffiti to businesses conducting repairs on the street.

The Hudsons argue varying city employees instructed them to do different things, such as remove a shed that was used as a waiting area for customers, while making promises their violations would be settled. Now, the city is insisting they remove the two outdoor lifts to make room for more parking spaces on site...